

REMARKS

Reconsideration of this application is respectfully requested. Claims 11, 15 and 16 have been amended; and claims 1-10, 12, 13, 14 and 18-22 have been canceled. As such, claims 11, 15, 16 and 17 are in this application and are presented for the Examiner's consideration in view of the following comments.

Independent claim 11 has been amended to include the requirements of dependent claims 12, 13 and 14, which have been canceled. Dependent claims 15, 16 and 17 have been amended to conform to the amendments to claim 11. Claims 1-10 and 18-22 have been canceled in the interests of furthering prosecution without prejudice.

Claims 1-5, 9-19 and 21-22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,506,903 issued April 9, 1996 to Yamashita (*Yamashita*) in view of U.S. Patent No. 6,317,462 issued November 13, 2001 to Boyce (*Boyce*) and further in view of U.S. Patent No. 6,097,879 issued August 1, 2000 to Komatsu et al. (*Komatsu*). As noted above, Applicants have canceled claims 1-5, 9, 10, 18, 19, 21 and 22 in the interests of furthering prosecution. Applicants respectfully disagree with respect to the remaining claims.

For the sake of this argument only, Applicants will agree with the Examiner's characterization of *Yamashita*. However, Applicants respectfully still submit that the Examiner's characterization of *Boyce* misses the mark.

The combination of *Yamashita* and *Boyce* does not yield Applicants' claimed invention. In particular the Examiner states that element 507 of *Boyce* generates a second error signal, i.e., sequence error codes. Respectfully the Examiner is wrong. In fact, as stated in *Boyce*:

Thus, RS decoder 504 is able to recover the entire sub-packet of HP data in the single lost third packet. If more than one packet is lost in this example, or more than h packets in the general case, then RS decoder is unable to recreate the missing data and a sequence error code that can be recognized by the data partitioning

MPEG decoder 510 is inserted in the HP byte stream in place of the recovered data.

Boyce, col. 12, lns. 34-40, emphasis added.

Thus, as described in *Boyce* if the RS decoder cannot correct the error – the RS decoder – not element 507 – inserts the sequence error code. Thus, there is no transport processor generating the second error signal as required by Applicants’ claim 11. Indeed, the sequence error code is merely passed along by element 507 in *Boyce*. A second error signal is not generated.

Indeed, Applicants’ claim 14 particularly requires that the transport processor generate the second error signal in response to the first error signal. As cited above, in *Boyce* the RS decoder generates the sequence error code. Thus, it is not possible for element 507 of *Boyce* to generate the second error signal in response to the first error signal as required by Applicants’ claim 14. Applicants respectfully do not find any description, or suggestion, in *Boyce* that element 507 receives a first error signal as required by Applicants’ claim 14.

Finally, with regard to *Komatsu*, Applicants again maintain that the Examiner’s interpretation is technically incorrect. First, nowhere does *Komatsu* use the word “packet”, let alone “data packet”. As such, the Examiner’s assertion that FIG. 12 of *Komatsu* somehow shows a data packet as required by Applicants’ claim 14 is simply without support. Second, FIG. 12 of *Komatsu* shows the operation of the phase error detection circuit in FIG. 11 of *Komatsu*. (*Komatsu*, col. 6, lns. 21-22.) The phase error detection circuit of FIG. 11 of *Komatsu* simply measures a phase difference. (*Komatsu*, col. 15, lns. 40-53.) The Examiner’s assertion that this corresponds to an associated data packet is simply technically wrong and without support.

Finally, the Examiner’s comment that *Komatsu* refers to the MPEG standard on col. 1, lns. 5-11 and that, therefore, the apparatus in *Komatsu* process associated data packets is irrelevant to Applicants’ claimed invention. Nowhere does *Komatsu* describe the processing of an associated data packet. Applicants request the Examiner point to that part of *Komatsu* that uses the word “packet”. Indeed, the H Sync output, the clock, the high-rate clock and the H Sync input shown in FIG. 12 of *Komatsu* are not associated data packets – they are synchronization and clock signals.

In view of the above, no combination of *Yamashita* in view of *Boyce* and further in view of *Komatsu* yields the requirements of Applicants' independent claim 14. As such, dependent claims 15, 16 and 17 are also in condition for allowance.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
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